

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MERCHANT CAPITAL, LLC and)	
NEW SUNSHINE, LLC,)	
)	
Plaintiffs,)	
)	
)	CAUSE NO.: 1:13-cv-00873-JMS-DML
v.)	
)	
MELANIA MARKS SKINCARE, LLC,)	
)	
Defendant.)	

PLAINTIFFS' PRELIMINARY EXHIBIT LIST

Plaintiffs Merchant Capital, LLC and New Sunshine, LLC, by counsel, for their Preliminary Exhibit List, states the following:

1. The License Agreement at issue in this matter, including all drafts and other variations of the final executed version;
2. Any and all communications between representatives from New Sunshine, LLC and representatives from Melania Marks Skincare, LLC related to the License Agreement;
3. Any and all communications between representatives from Melania Marks Skincare, LLC and Stephen and/or Tomisue Hilbert related to the License Agreement;
4. Any and all documents relating to any agreements between Melania Marks Skincare, LLC and all retail outlets relating to the products referenced in the License Agreement;
5. Any and all documents relating to promotion of the products referenced in the License Agreement;
6. The June 4, 2012 letter from Merchant Capital to Stephen Hilbert;
7. The June 26, 2012 letter from Merchant Capital to Stephen Hilbert;

8. Any and all documents, discovery, and pleadings relating to lawsuit pending in the Circuit Court of Eau Claire County, Wisconsin under *Merchant Capital, LLC, et al. v. MH Equity Managing Member, LLC, et al.*, Case No. 12 CV 734;
9. Curriculum vitae of any experts to be named by any of the parties;
10. Reports and files of any expert witnesses named by any party;
11. Any documents, photographs, diagrams, charts, and/or other information relied upon, referenced, utilized, or created by any expert witnesses named by any party;
12. Any and all exhibits necessary for impeachment or rebuttal purposes;
13. Any and all discovery responses or materials listed, obtained, submitted, and/or used in discovery or at trial as exhibits by any party to this action;
14. Transcripts and exhibits from all depositions taken in this case;
15. Any and all pleadings in this case; and
16. Any exhibit identified by any of the parties.

Respectfully submitted,

/s/Jerry M. Padgett
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One of the Attorneys for Plaintiffs,
Merchant Capital, LLC and New Sunshine,
LLC

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of June, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

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/s/ Jerry M. Padgett

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